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KUDIRKA & JOBSE, LLP ONE STATE STREET SUITE 800 BOSTON, MA 02109			JARRETT, SCOTT L	
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			3623	

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Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/783,197

Applicant(s)

MCSHERRY, JAMES

Examiner

Scott L. Jarrett

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 25 April 2006.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-3, 6-19, 22-35, 38, 40-45 and 48-56 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-3, 6-19, 22-35, 38, 40-45 and 48-56 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. This **Final** Office Action is responsive to Applicant's remarks filed April 25, 2006. Applicant's amendment amended claims 1-3, 6-19, 22-35, 38, 40-45 and 48-52 and added new claims 53-56, claims 4-5, 20-21, 36-37, 39 and 46-47 being previously canceled. Currently Claims 1-3, 6-19, 22-35, 38, 40-45 and 48-56 are pending.

Response to Amendment

2. Applicant's amendment to claims 1-3, 6-19, 22-35, 38, 40-45 and 48-52 as well as the addition of claims 53-56, necessitated the new ground(s) of rejection presented in this Office action.

The Objection to Claims 1, 17, 27, 33 and 48 is withdrawn in response to Applicant's amendments to claims 1, 17, 27, 33 and 48.

Response to Arguments

3. Applicant's arguments with respect to claims 1-3, 6-19, 22-35, 38, 40-45 and 48-56 have been considered but are moot in view of the new ground(s) of rejection.

The Applicant's attempt at traversing the Official Notice findings as stated in the previous Office Action is inadequate. Adequate traversal is a two-step process. First, Applicant(s) must state their traversal on the record. Second and in accordance with 37 C.F.R. 1.111(b) which requires Applicant(s) to specifically point out the supposed errors

in the Office Action, Applicant(s) must state why the Official Notice statement(s) are not to be considered common knowledge or well known in the art.

In this application, while Applicant(s) have met step (1), Applicant(s) have failed step (2) since they have failed to argue why the Official Notice statement(s) are not to be considered common knowledge or well known in the art. Because Applicant's traversal is inadequate, the Official Notice statement(s) are taken to be admitted as prior art. See MPEP 2144.03.

The officially noticed facts, from the previous office actions, are reproduced below and are provided here for the convenience of the Applicant:

- "Official notice is taken that the traditional call center as taught by Bateman et al. (see at least Column1, Lines 17-25; Column 5, Lines 35-40; Column 7, 30-31) is old and well known in the arts of customer relationship management, help desk, customer service and support, and telemarketing. A call center, also referred to as: multi-purpose contact point, customer interaction center, contact center, e-contact center, customer service center, and/or virtual call center, is a place (physical or virtual) where customer (internal or external) telephone calls or other forms of contact are handled by an organization. More generally contact centers are a central point in a company from which all customer contacts are managed. The contact center commonly includes one or more call centers and other types systems for managing a plurality of customer contact types including: e-mail, newsletters, mail catalogs, Web site/Internet inquiries and chats, and video. A contact center is generally part of a company's overall customer relationship management (CRM) strategy.

Further it is well known in the art that the purpose of Customer Relationship Management (CRM) is to enable companies to better serve its customers (users) through the introduction of reliable processes and procedures for interacting with those customers. CRM

systems generally involve a plurality of key business systems and processes including but not limited to: service, marketing, sales, support, fulfillment, and billing. CRM systems collect, store, analyze, report and utilize a plurality of information garnered from the company's interactions with its customers including but not limited to: customer preferences, buying habits, demographics, specialist performance, service requests, complaints, product returns, and other information inquiries. When a customer calls, the system can be used to retrieve and store information relevant to the customer thereby serving the customer quickly and efficiently, and also keeping all information on a customer in one place enabling companies to reduce costs and encourage new customers.

Customer Relationship Management systems comprise a plurality of systems integrated together in order to provide a complete view of a customer's interaction with the company some of these systems include but are not limited to: legacy systems, computer telephony integration, data warehousing and decision support systems.

It is old and well known in the art that a decision support system (DSS) is defined as a computer program application that analyzes business data and presents it so that users can make business decisions more easily; the users of such systems being business executives or other knowledge workers. DSS are also commonly referred to as knowledge management systems." (Page 6, November 11, 2004);

- "Official notice is taken that performing a query on a database and generating a report from the query is old and very well known in the use of databases. A database by definition is a data file that accepts, stores, and provides data on query by the user. Further the ability to generate reports based on queries of the data in a database being one of the key drivers for using a database." (Page 11, November 11, 2004);

- "The providing of professional advice (i.e. live and specific assistance to workplace issues) is old and very well known, as is the fact that it is inherent in advice provided by professionals (e.g. doctors, lawyers, technical support, accountants, etc.) is based at least in part on a plurality of information (user background information, laws, statutes, medical research, regulations, employment, etc.) collected prior to and during the providing of assistance specific to the user's issue (concern, situation, etc.). In fact, professional advice is sought by users who expressly desire specific assistance (e.g. expertise) to their particular issue therefore assistance not based on user background information would neither be specific, accurate or meaningful.

Examples of methods and/or systems for providing specific professional advice/assistance to users include:

- a doctor collecting a plurality of user information (medical history, current symptoms, and the like) prior to diagnosing and/or treating a user's specific condition (Dworkin et al., U.S. Patent No. 6,026,148: Abstract, Figures 8-9; Itzhaki, Dani, U.S. Patent Publication No. 2002/0010616: Paragraphs 0037-0038);

- the identification of a lawyer (legal services) based on a plurality of user information (Rizzo et al. U.S. Patent No. 6,470,338: Column 1, Lines 45-63); and

- a technical support specialist providing specific technical assistance to a user's specific technical issue wherein the specialist's assistance is based on a plurality of information related to the issue (hardware, software, past service, etc.; Bakoglu et al., U.S. Patent No. 5,983,369: Abstract, Column 7, Lines 31-47, Figure 7; Toader, U.S. Patent No. 5,806,043: Column 4, Lines 28-39).

More specifically Bateman et al. teach an online workplace services system and method for providing live and specific assistance to user's specific issues wherein the support is customized based on background information provided by the customer both prior to and during

the live support session (“...the parties will be in full voice communication and will be viewing the same multimedia screen which prompted the customers questions. The agent can then assist or guide the caller to the solution or answer sought, or can take orders and/or provide technical support.”, Column 6; 56-60; “Upon selection of the “Live Helps” option...”, Column 6, Lines 62-63; “...provides requested “LIVE HELP” when a problem is encountered...”, Column 2, Lines 27-28; “...the invention provides a customer in a voice conversation with an ACD agent...”, Column 2, Lines 53-55; “...upon answering the call and viewing customer relevant data simultaneously (obtained by looking up the CLID in a customer database), the agent greets to caller and verbally mentions the associated product or subject matter area...”, Column 9, Lines 20-26).” (Pages 3-5, June 10, 2005).

- “Official notice is taken that there exists a plurality of well known and commonly used methods/approaches to assigning unique identifiers to users (organizations, firms, people, contacts, etc.) including but not limited to having a system generate/assign unique identifies, having a person (e.g. system administrator) assign users unique identifiers or having the user assign/select/create their own unique personal identifier.” (Page 10, December 21, 2005);

- “Official notice is taken that obtaining user identifying information verbally from users in order to retrieve, provide and/or collect additional information based on the user identification is old and very well known. For example it is common for call centers, such as those used by banks/credit card companies, to request users to identify themselves and then to use the user identification information to “look up” the users account information.” (Page 12, December 21, 2005);

- “Official notice is taken that categorizing calls, as taught by Ernie, is old and well known and further it is well known that a plurality of approaches and mechanisms exist for categorizing the calls into one or more predefined categories such as users “self-categorizing”,

call taker (e.g. receptionist, FPK, etc.) categorization and call/issue answerer categorization (e.g. technical support categorizing a support call as closed, pending, in-progress or the like) as such call category information enables the organization/specialist to better understand the nature of the contacts being made and/or issues being addressed." (Page 14, December 21, 2005).

Claim Rejections - 35 USC § 112

4. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

5. Claims 1, 17, 33 and 48 are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Claims 1, 17, 33 and 48 recite the limitation "the client" (Step e) in Claim 1.

There is insufficient antecedent basis for this limitation in the claim.

Claim Rejections - 35 USC § 103

6. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

7. Claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al., U.S. Patent Publication No. 2002/0123983 in view of Bateman et al., U.S. Patent No. 5,884,032.

Regarding Claims 1, 17 and 33 Riley et al. teach a system and method for managing workplace services provided by specialists (advisors, experts, consultants, knowledge workers, staff, personnel, support staff, etc.) who are members of an organization (team, group, union, club, business, enterprise, service desk, etc.) comprising:

- contacting a plurality of users, upon the request from the organization, and obtaining user background and organization information via organization personnel who are familiar with the workplace services but are not specialist (workplace resource office, team, group, etc.; “designer”, “assessment of the user community”, “determining service requirements”, “service desk design approach”; Paragraphs 0059-0062, 0068; Figure 3);
- collecting and storing unique user identifying and background information for each user in a created database (central service desk repository) connected via a

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network before a user contacts a specialist (user administration, Paragraphs 0040-0044, 0150, 0241; Figure 2, Element 22; Figure 6; Elements 63-65);

- providing the user, before one of the plurality of users attempts to obtain specific assistance, contact information (URL, phone number, email, etc.), from the workplace resource office, which allows the user to immediately and directly contact a specialist wherein upon the establishment of a communication session the user receives assistance on a specific workplace issue (service request, problem, incident, service request management; Paragraphs 0097-0098, 0129, 0135-136, 0142; Figures 4-6, 9, 11-12, 18);

- wherein the specialist has expertise specific to the users unique workplace issues and is not one of the workplace resource office personnel (service desk personnel/operators and internal/external experts - Paragraphs 0197, 201-203 - are not the same as the service desk designer/system developer; Paragraphs 0059-0062; Figures 3, 18; multiple support organizations, Paragraph 0033; Figure 3);

- during a communication session the specialist receives user identifying information from the user (name, ID, phone number, etc.) wherein the specialists utilizes the user identifying information to access/retrieve the previously collected and stored user background information (Paragraphs 0094, 0096, 0105-0107, 0129, 0150; Figures 4, 9; Figure 6, Elements 63-69);

- the specialist provides specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination

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of the user's background information, the specialist's expertise and any additional and/or correcting information provided by the user (Paragraphs 0094, 0096, 0105-0107, 0129, 0150; Figures 4, 9; Figure 6, Elements 63-69); and

- storing/adding information concerning each communication session, including the unique and specific assistance provided to the user by the specialist to the users/organization background information, in a database (Paragraphs 0096, 0147-0148; Figures 6, 14).

SERVICE DESK DESIGN APPROACH

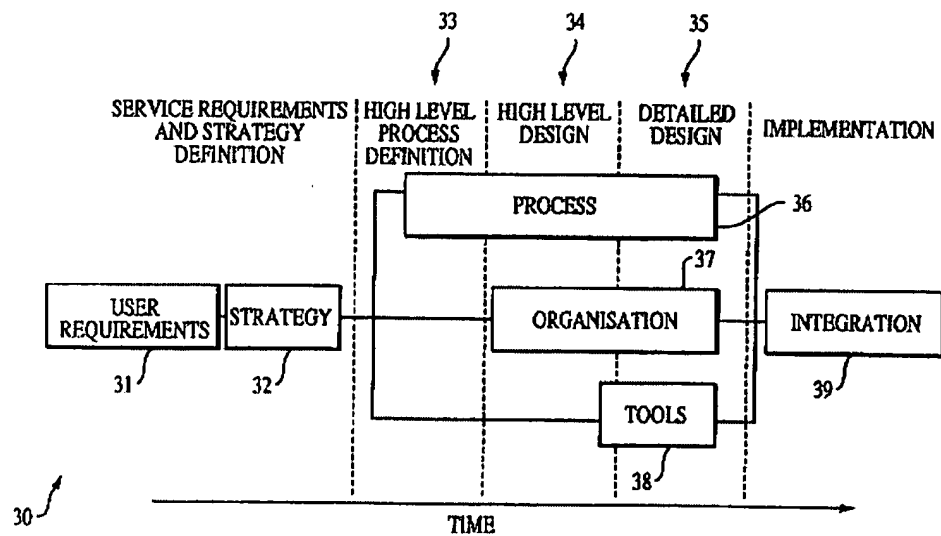
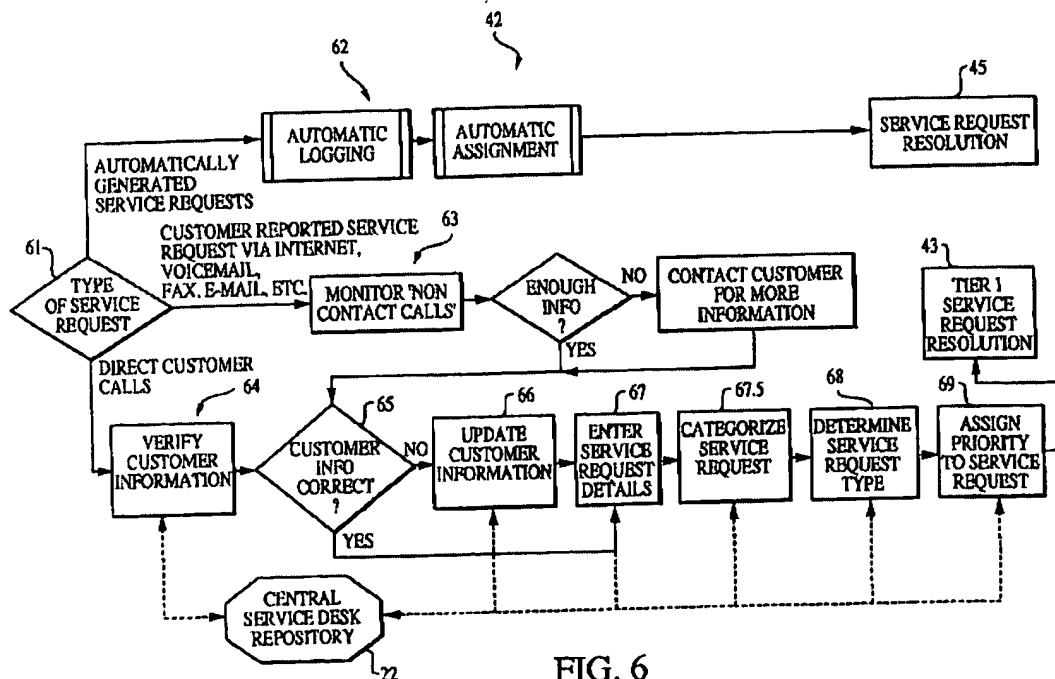
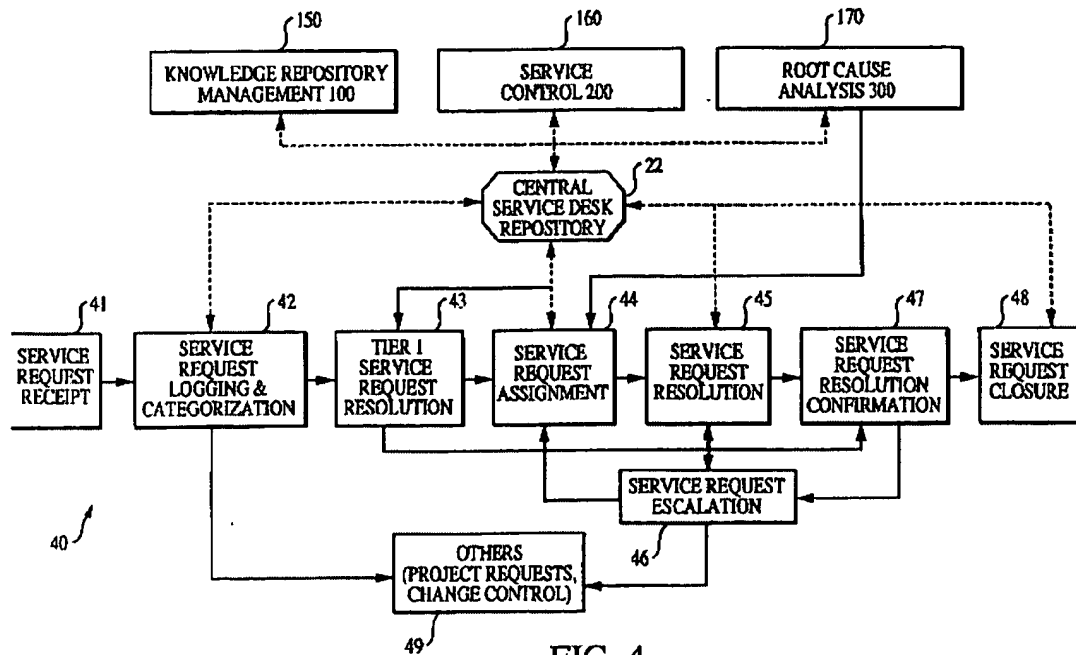


FIG. 3

SERVICE REQUEST PROCESS



SERVICE REQUEST LOGGING AND CATEGORIZATION

Riley et al. does not expressly teach the specialist receives during *each* communication session user identifying information from the user as claimed.

Bateman et al. specialist receiving during *each* communication session the specialist receives user identifying information from the user (CLID; Column 6, Lines 15-55; Column 9, Lines 1-32) wherein the specialists utilizes the user identifying information to access and retrieve the previously collected and stored user background information and further wherein the specialist provides specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination of the retrieved user background information, the specialist's expertise and any additional and/or correcting information provided by the user ("...the parties will be in full voice communication and will be viewing the same multimedia screen which prompted the customers questions. The agent can then assist or guide the caller to the solution or answer sought, or can take orders and/or provide technical support.", Column 6; 56-60; "Upon selection of the "Live Helps" option...", Column 6, Lines 62-63; "...provides requested "LIVE HELP" when a problem is encountered...", Column 2, Lines 27-28; "...the invention provides a customer in a voice conversation with an ACD agent...", Column 2, Lines 53-55; "...upon answering the call and viewing customer relevant data simultaneously (obtained by looking up the CLID in a customer database), the agent greets to caller and verbally mentions the associated product or subject matter area...", Column 9, Lines 20-26) in an analogous art of providing user

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services for the purposes of enabling the specialist to be better prepared to answer the users questions (Column 6, Lines 50-53).

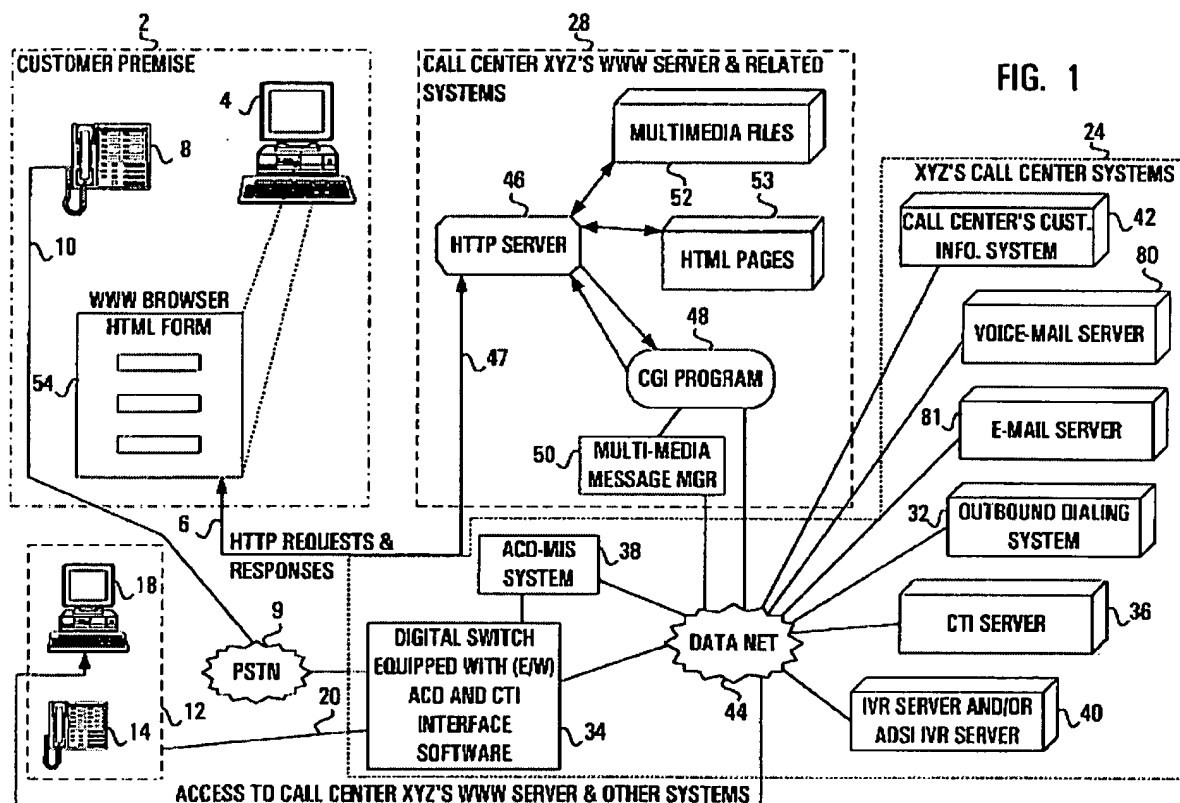
More generally Bateman et al. teach a system and method for managing workplace services provided by specialists (advisors, experts, consultants, knowledge workers, staff, personnel, support staff, etc.) who are members of an organization (team, group, union, club, business, enterprise, service desk, etc.) comprising:

- collecting and storing unique user identifying and background information for each user in a created database (central service desk repository) connected via a network before a user contacts a specialist ("customer database"; Figure 1, Element 42; Column 9, Lines 15-24);

- providing the user, before one of the plurality of users attempts to obtain specific assistance, contact information (URL, phone number, email, etc.), from the workplace resource office, which allows the user to immediately and directly contact a specialist wherein upon the establishment of a communication session the receives assistance on a specific workplace issue (Column 1, Lines 35-38; Column 3, Lines 55-62; Column 10, Lines 40-44);

- during each communication session the specialist receives user identifying information from the user (name, ID, phone number, etc.) wherein the specialists utilizes the user identifying information to access and retrieve the previously collected and stored user background information (Abstract; Live Help, Column 2, Lines 22-31; CLID; Column 6, Lines 15-55; Column 8, Lines 62-68; Column 9, Lines 1-32); and

- the specialist providing specific and live assistance to the user concerning the user's specific and unique workplace issues wherein the assistance (advice, recommendation, information, support, consultation, etc.) is based on the combination of the user's background information, the specialist's expertise and any additional and/or correcting information provided by the user (Column 6, Lines 15-55).



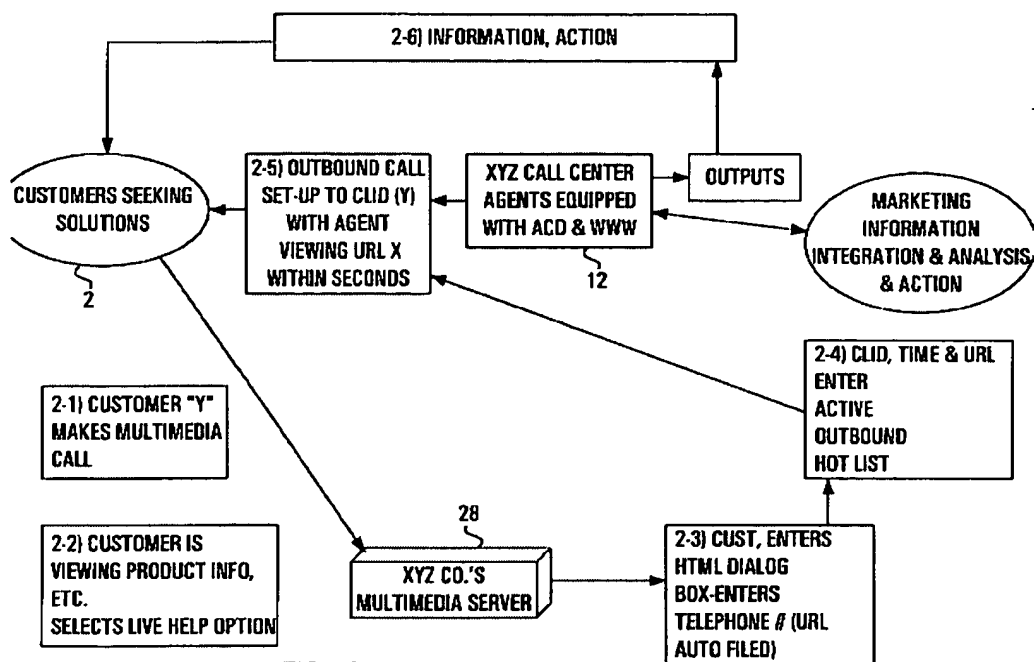


FIG. 2

It would have been obvious to one skilled in the art at the time of the invention that they system and method for managing workplace services as taught by Riley et al. would have benefited from having the specialist receive user identifying information from the user during each communication session in view of the teachings of Bateman et al.; the resultant system/method enabling the specialist to be better prepared to answer the users questions (Bateman et al.: Column 6, Lines 50-53).

Regarding Claims 2-3, 18-19 and 34-35 Riley et al. teach a system and method for managing workplace services wherein the communication session comprises a plurality of equivalent and well known communication mechanisms/channels including but not limited to telephone calls, email messages, fax, Internet and the like (Paragraph 0098; Figure 5).

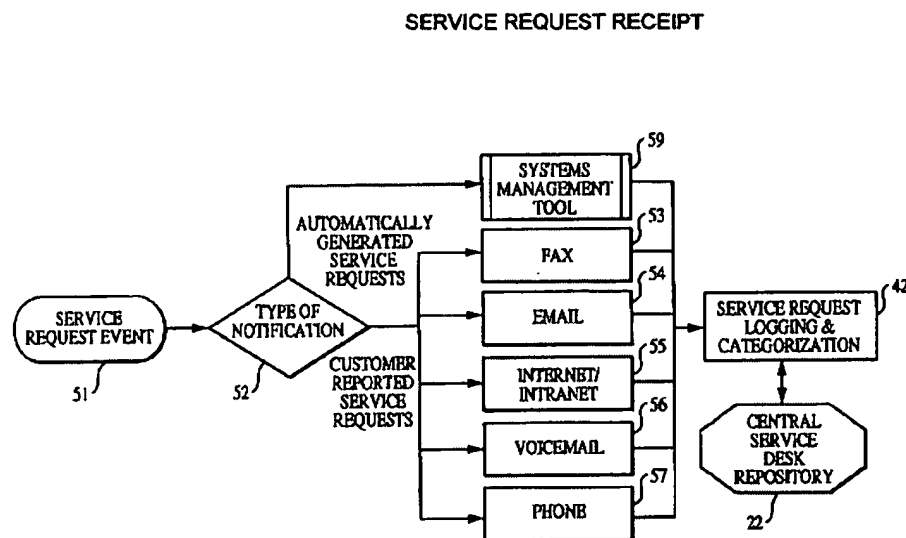


FIG. 5

Regarding Claims 6, 22 and 38 Riley et al. teach a system and method for managing workplace services wherein the network is the Internet (Paragraphs 0007, 0082, 0098; Figure 5).

Regarding Claims 7-8, 10, 23-24 and 26 Riley et al. teach a method and system for managing workplace services wherein the user identifying information is a unique personal ID code (number, first/last name, phone number, email address, etc.) wherein the personal ID code is assigned by the system (web site) and/or workplace resource office (personnel; ticket ID, login/password, etc.; Paragraphs 0005, 0029, 0105).

Regarding Claims 9 and 25 Riley et al. teach a system and method for managing workplace services further comprising utilizing a web site connected to the database

(system) by the Internet to service request information from users (Paragraph 0082, 0097-0098; Figure 5, Element 55).

Riley et al. does not expressly teach collecting background information from *each* of the plurality of user via the *web site* as claimed.

Bateman et al. teach collecting background information from each of the plurality of user via the web site (HTML forms, help request form; Claim 1, Column 3, Lines 5-13; Column 11, Lines 60-62; Figure 1, Element 54) in an analogous art of managing workplace services for the purposes of providing specialist with user as well as issue (service request) information thereby enabling specialist to provide specific, live and unique assistance (Column 6 Lines 14-55).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing workplace services as taught by Riley et al. would have benefited from collecting a plurality of user background and other information via the Internet (web site, web form, etc.) in view of the teachings of Bateman et al.; the resultant system/method enabling specialist to provide specific, live and unique assistance (Bateman et al.: Column 6 Lines 14-55) based on the user background and issue information provided by the user, prior to the assistance, via a web site.

Regarding Claims 11 and 27 Riley et al. does not expressly teach receiving user-identifying information *verbally* from the user as claimed.

Bateman et al. teach that the specialist verbally obtaining user identifying information from the user which the specialists enters into the system via a web interface and receives the user background information via a web browser (Column 6, Lines 61-67; Figure 3; Figure 4, Element 12) in an analogous art of managing workplace services for the purposes of enabling the specialist to provide unique and specific assistance to the user based on background or other information previously recorded in the system (Column 6 Lines 14-55; Column 9, Lines 20-30; Column 10, Lines 1-14).

It would have been obvious to one skilled in the art at the time of the invention that the system and method for managing workplace services as taught by Riley et al. would have benefited from verbally obtaining user identifying information from the user in view of the teachings of Bateman et al.; the resultant system/method enabling specialist to provide specific, live and unique assistance based on the user background and issue information (Bateman et al.: Column 6 Lines 14-55; Column 9, Lines 20-30; Column 10, Lines 1-14).

Regarding Claims 12 and 28 Riley et al. teach a system and method for managing workplace services further comprising the specialist assigning the communication session information to one of a plurality of predefined categories

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wherein the assigned category is stored in the system/database (Paragraphs 0008, 0079, 0094, 0105- 0106, 0110-0013; Figures 6-7).

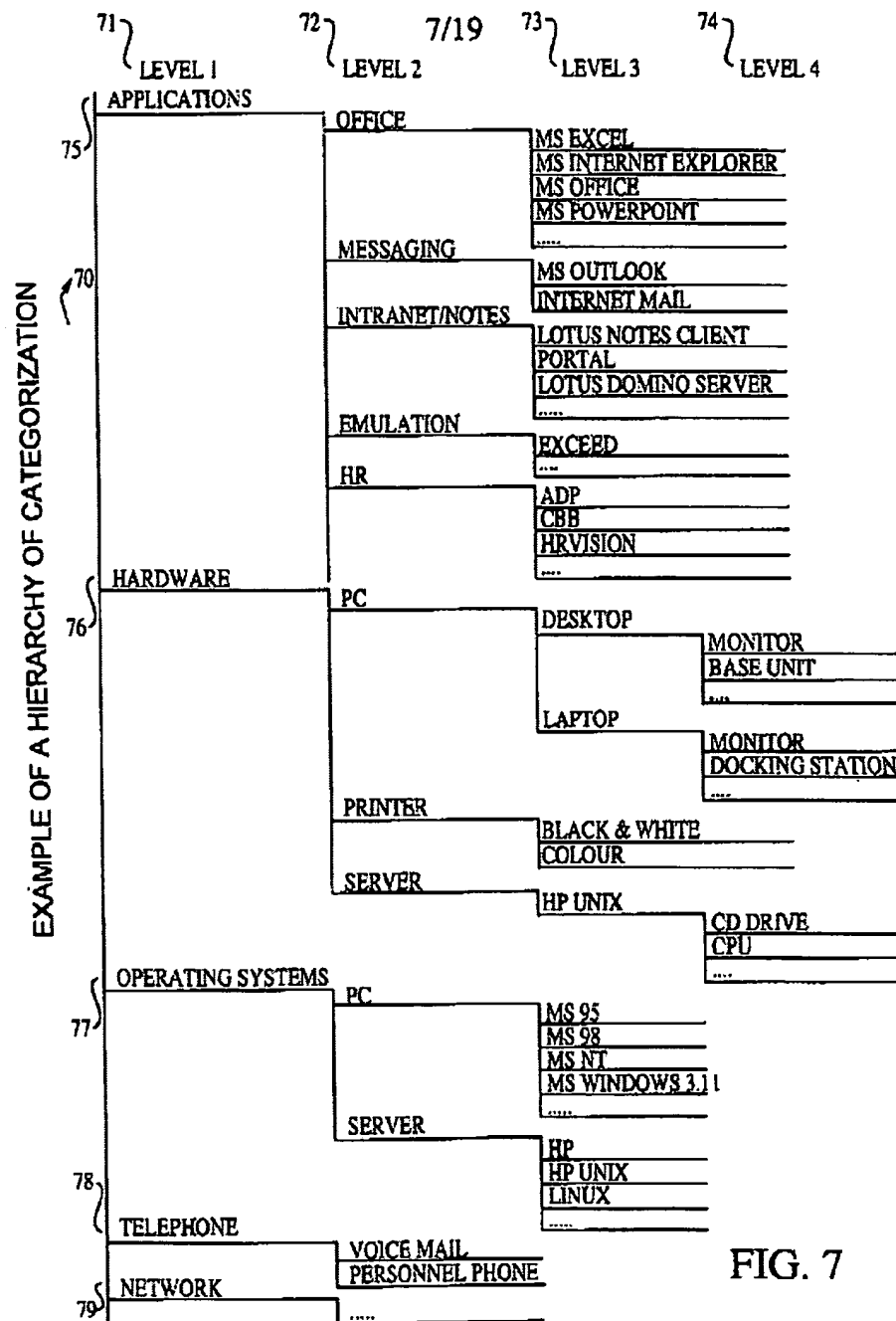


FIG. 7

Regarding Claims 13 and 29 Riley et al. teach a system and method for managing workplace services further comprising performing a query for information in the database; generating a report from the query and providing the report to the organization (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Regarding Claims 14 and 30 Riley et al. teach a system and method for managing workplace services wherein the query is performed on category information in the database/system (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Regarding Claims 40, 42 and 44 Riley et al. teach a system and method for managing workplace services wherein the workplace resource office is not part of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

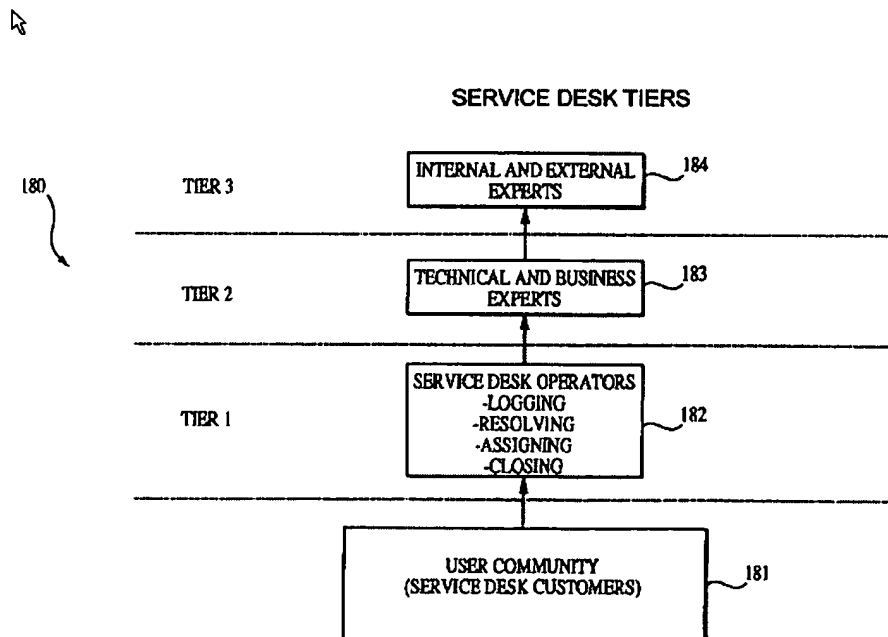


FIG. 18

Regarding Claims 41, 43 and 45 Riley et al. teach a system and method for managing workplace services wherein the specialist is not part of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further regarding Claims 40-45 that the workplace service office and/or the specialists are or are not part of the organization utilizing the services is immaterial since the intended use nor the structure of the system is impacted by the physical or logical "location" of the workplace resource office/specialists nor does it change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding Claim 48, claim 48 recites similar limitations to Claims 1, 17 and 33 and is therefore rejected using the same art and rationale as applied in the rejection of Claim 1, 17 and 33; further wherein the method for managing workplace services is directed to managing legal advice and counseling (intended field of use) Riley et al. teach the application of the system and method for managing workplace services to a plurality of workplace services including but not limited to legal, human resource and insurance resources/services (Paragraphs 0008-0009, 0030; Figure 2).

Regarding Claim 49 Riley et al. teach a system and method for managing any of a plurality of workplace services including but not limited to legal, human resource and insurance resources/services (Paragraphs 0008-0009, 0030; Figure 2).

Regarding Claim 50 Riley et al. teach a system and method for managing workplace services wherein the legal experts (specialist) are associated (employee, friends, contractors, related, linked, etc.) with the workplace resources office (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further Regarding Claims 48-50, Claims 48-50 merely represent non-functional descriptive material as they merely recite various intended uses of the invention. A recitation of the intended use of the claimed invention must result in a structural difference between the claimed invention and the prior art in order to patentably distinguish the claimed invention from the prior art. Further the intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

The claimed recitations of intended use neither result in a structural difference between the claimed invention and the prior art nor in a manipulative difference as compared to the prior art; therefore, the claimed invention is not deemed to be patentably distinct over the prior art.

Regarding Claim 51 Riley et al. teach a system and method for managing workplace services wherein the contact people (users) are employees of the organization (Paragraphs 0248-0249, 0267, 0278, 0283; Figures 2, 18).

Further that the users (contact people) are or are not employees the organization merely represents non-functional descriptive material is immaterial since the intended use of the system is not impacted by the physical or logical "location" of the workplace resource office/specialists nor does it change the overall functionality of the system. The intended use must result in a manipulative difference as compared to the prior art. See *In re Casey*, 152 USPQ 235 (CCPA 1967) and *In re Otto*, 136 USPQ 458, 459 (CCPA 1963).

Regarding Claims 53-56 Riley teach a system and method for managing workplace services further comprising: the specialist sends a follow-up message to the user after a communication session between the user and the specialists to inquire whether the assistance provided by the specialist answered a question posed by the user (follow up to collect more information, status update, confirm resolution, customer feedback; Paragraph 0109, 0156-0171, 0251; Figure 16).

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8. Claims 15-16, 31-32 and 52 are rejected under 35 U.S.C. 103(a) as being unpatentable over Riley et al., U.S. Patent Publication No. 2002/0123983 in view of Bateman et al., U.S. Patent No. 5,884,032 as applied to claims 1-3, 6-14, 17-19, 22-30, 33-35, 38, 40-45, 48-51 and 53-56 above, and further in view of Huboi et al., U.S. Patent No. 6,799,198.

Regarding Claims 15-16 and 31-32 Riley et al. teach a system and method for managing workplace services wherein the workplace resources offices generates a web site that is accessible by the plurality of users via the web wherein the system publishes workplace issue information on the web site by sending the workplace issue information from the database to the web site (web access to knowledge repository and products/solutions, Paragraph 0082; publishing knowledge from knowledge base – top 10 resolutions, Paragraphs 0150-0152; Figure 15).

Neither Riley et al. nor Bateman et al. expressly teach that the website is a *templated* website as claimed.

Huboi et al. teach providing a templated web site in an analogous art of managing workplace services (providing user-specific web-based assistance; Column 11, Lines 53-68; Column 12; Column 13, Lines 31-68) for the purposes of providing customizable help/assistance to users workplace issues (Column 11, Lines 55-68).

More generally Huboi et al. teach a system and method for managing workplace services comprising:

- collecting and storing a plurality of user, organization and assistance/help information in a database (Column 3, Lines 20-35);
- providing users with specific and unique assistance to their unique workplace issues based on background information collected via the web prior to the user receiving the assistance (Column 2, Lines 21-25 and 37-68; Column 11, Lines 5-39);
- providing users, prior to any user requesting assistance, contact information for contacting/accessing the system (Column 4, Lines 34-37); and
- assigning personal ID codes (login/password, access control lists; Column 4, Lines 34-45) to users.

It would have been obvious to one skilled in the art at the time of the system and method for managing workplace services as taught by the combination of Riley et al. and Bateman et al. would have benefited from providing templated (dynamic, customizable, configurable, etc.) web sites to assist users with workplace issues in view of the teachings of Huboi et al.; the resultant system/method enabling the workplace resource office (service provider) to customize the workplace issues assistance (help) (Hubo et al.: Column 11, Lines 55-68).

Regarding Claim 52 Riley et al. teach a system and method for managing workplace services further comprising: performing a query on information in the

database; generating a report from the query; and generating a web site based on the reports (Paragraphs 0081, 0096, 0172-0185; Figures 8, 16).

Neither Riley et al. nor Bateman et al. expressly teach that the website is a *templated* website as claimed.

Huboi et al. teach providing a templated web site in an analogous art of managing workplace services (providing user-specific web-based assistance; Column 11, Lines 53-68; Column 12; Column 13, Lines 31-68) for the purposes of providing customizable help/assistance to users workplace issues (Column 11, Lines 55-68).

It would have been obvious to one skilled in the art at the time of the system and method for managing workplace services as taught by the combination of Riley et al. and Bateman et al. would have benefited from providing templated (dynamic, customizable, configurable, etc.) web sites to assist users with workplace issues in view of the teachings of Huboi et al.; the resultant system/method enabling the workplace resource office (service provider) to customize the workplace issues assistance (help) (Hubo et al.: Column 11, Lines 55-68).

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the date of this final action.

The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- Irissou et al., U.S. Patent No. 6,233,165, teach a system and method for managing workplace services such as legal services comprising: specialists providing immediate, specific, live and direct assistance to users concerning their specific/unique workplace issues and providing users with contact information, for directly contacting specialists, prior to any user requesting assistance.

- Reitman et al., U.S. Patent No. 6,461,162, teach a system and method for managing workplace services comprising a plurality of specialists/experts wherein the specialist provide unique, direct and specific advice to users based on user background information collected, via a web site, prior to the providing of assistance.

- Gutman, Abraham, U.S. Patent No. 6,449,355, teaches that providing direct, live, immediate and specific assistance to user's workplace issues is old and well known (telephone hotline). Gutman further teaches a system and method for managing workplace services wherein the system records/stores a transcript of the user specific advice/assistance provided by specialists.

- Eichstaedt et al., U.S. Patent No. 6,510,431, teach a method and system for managing workplace services comprising collecting user information, via a web site, prior to providing assistance, assigning users unique IDs as well as specialists providing direct assistance to users workplace issues wherein the specialists advice/assistance is based on a combination of the collected background information and the specialists knowledge.

- Noslashedrgaard et al., U.S. Patent No. 6,895,573, teach a system and method for managing workplace services wherein the system/method collects a plurality of user and organization background information prior to providing assistance (assessment data) and then an expert/specialist providing user specific assistance based on the collected information.

- Kannan, Pallipuram, U.S. Patent Publication No. 2001/0054064, teaches a workplace services management system and method wherein specialists provide direct,

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immediate, live and specific assistance to users workplace issues via the Internet (chat, web site, email, newsgroups, etc.) wherein the assistance is based on collected and stored user background information that is provided to the specialist via the Internet.

- Cooper et al., U.S. Patent Publication No. 2002/0029350, teach a system and method for managing workplace services comprising: specific, unique, direct and immediate advice (real-time, online web-based human consulting services Paragraphs 0002, 0096, 0120, 0122, 0136); collecting and storing user/organization background information (Paragraphs 0063, 0119); providing user specific and unique advice to users (tailored; Paragraphs 0115-0116 0192); recording/saving user specific advice (Paragraphs 0146, 0153, 0170, 0180); providing users with contact information for the workplace services prior to any user receiving assistance (Paragraph 0254); providing legal assistance (Paragraphs 0003, 0228); establishing unique user personal codes/IDs (Paragraphs 0068, 0075, 0287); querying a database (Paragraph 0067) and following up with users (Paragraph 0138).

- Starnes et al., U.S. Patent Publication No. 2002/0194014, teaches a workplace services (legal, insurance, loss prevention, etc.) management system and method comprising: templated web site, collecting and storing a plurality of user/organization information (audits) by a workplace resource office via an online form, direct and specific workplace issue assistance provided by specialists and based on the collected information and publishing assistance to a web site (frequently asked questions). Starnes et al. further teach that the assistance is provided between insurers and the insured.

- Heston, Robert, U.S. Patent Publication No. 2002/0019741, teaches a system and method for managing workplace services, such as legal services, comprising: providing as well as archiving specific and unique legal advice, querying a database and reporting based on the database query, categorizing communication sessions with users, publishing frequently/commonly asked questions (assistance) to a web site, collecting/utilizing user background information and providing a customized/templated web site.

- Hewlett-Packard, EP 0915,422 A1, teaches a system and method for managing workplace services.

- Watson, Ian, Applying Case-Based Reasoning (1997) teaches a system and method for managing workplace services comprising collecting and storing a plurality of user background and organization information, by a workplace resources office; establishing a communication session between a specialist and a user in order to provide unique and specific assistance for the user's workplace issues and storing, in a database, the specific and unique advice provided to users concerning their unique workplace issues.

- Mello, John, A Shield for the Workplace Wars (1998) teaches the well known practice of providing employment practices liability insurance wherein insurers typically require the insured to undergo human resource audits (the collection and analysis of a plurality of user and organization information) prior to providing/issuing insurance products. Mello further teaches that the competitive nature of the EPLI industry has

lead many insurers to provide value-added workplace services such a workplace hotlines for policyholders (Executive Risk, CheckMate) as well as legal advice.

- ServiceSoft Delivers "Smart Answers" at Xerox (1998) teaches an Internet-based system and method for managing workplace services comprising: collecting and storing a plurality of user and organization background information from a plurality of users by a workplace resources office (knowledge base author, service analyst) and providing unique and specific assistance to users unique workplace resources offices based on the collected information and specialist expertise (knowledge base).

- USA company: The Human Resources Audit (2001) teaches well known utilization of human resource audits in the employment practices liability insurance industry as well as a method and several commercial systems for conducting an HR audits. Specifically the article teaches collecting a plurality of user and organization background information via web-based checklists from a plurality of users.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Scott L. Jarrett whose telephone number is (571) 272-7033. The examiner can normally be reached on Monday-Friday, 8:00AM - 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hafiz Tariq can be reached on (571) 272-6729. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

A handwritten signature in black ink, appearing to be 'SJ' with a stylized flourish above it.

6/16/2006